

4-24-14

Dear Mr, Potokar:

In reference to your letter of the last five years that my facility discharged into the Sand Hollow Drain. Sage Dairy has leased the dairy from Rimfire Ranch for the last two years and has never discharged anything.

I assume you're referring to July of 2013 when Rimfire Ranch had tailwater from their fields allegedly discharge into the Sand Hollow Drain.

As you can see from the attached letters Sage Dairy has no control of what Rimfire Ranch does, and has kept our lagoons well maintained and in good condition.

Thank You

Curtis Yett

Sage Dairy LLC

(b) (6)





STATE OF IDAHO

DEPARTMENT OF AGRICULTURE

C.L. "BUTCH" OTTER
Governor
CELIA R. GOULD
Director

November 8, 2013

RECEIVED
NOV 12 2013

Curtis Yett
Sage Dairy LLC
PO Box 490
Parma, ID 83660

EMAILED & REGULAR MAIL

Re: Withdrawal of Notice of Intended Penalty

Dear Curtis:

On September 13, 2013, the Idaho State Department of Agriculture ("ISDA") sent a Notice of Intended Penalty ("NOIP") to you, alleging that your facility discharged livestock waste in July 2013. After additional information gathering and discussion, ISDA has determined that it does not have jurisdiction over the alleged discharge, because the retention pond at issue is not part of the dairy facility or its waste containment system.

The lease between your landlord and you is unclear whether the parties intended that the retention pond be part of the dairy waste containment system. However, when you and your landlord applied for a siting permit from Gem County in 2011 to expand the dairy, a map provided with the county application described the retention pond as a "tailwater return pond" from fields.¹ It was not described as being part of the dairy waste containment system.

Further, on November 7, 2013, you clarified that you saw nothing in your lease agreement, nor was it your understanding, that the retention pond was part of the waste containment system for Sage Dairy.

Following review of the documents and facts provided and based on the information just described, ISDA has determined that it does not have jurisdiction over the alleged discharge that occurred in July 2013. Therefore, ISDA is withdrawing the previously-issued NOIP.

Sincerely,

Marv Patten
Dairy & CAFO Bureau
Idaho State Department of Agriculture

Cc: Terry Jones; d/b/a Rim Fire Ranch, LLC

¹ ISDA staff members were part of the CAFO Siting Team that reviewed the proposed expansion in 2011, at the request of Gem County.

LIVESTOCK WASTE INSPECTION REPORT

FACILITY NAME/OWNER/ADDRESS/CITY

Sage Dairy
5888 Sandy Ave
Emmett

DATE: 10-16-13

TIME: 2:00pm

OF ANIMALS: (b) (4)

Fresh & Dry:

Replacements:

Beef:

Poultry:

Other:

INSPECTION TYPE:

- ☒ ROUTINE
☐ FOLLOW-UP
☐ PRE-QUALIFYING
☐ QUALIFYING
☐ COMPLAINT
☐ NMP REVIEW
☐ OTHER

REPEAT NON-COMPLIANCE

DISCHARGE INSPECTION

UPDATE NMP

TIME FRAME:

PLANT / PERMIT #:

SH-271

Remarks:

- lagoon #1 has approx. 4ft of freeboard.
- lagoon #2 has approx. 4ft of freeboard.
- All catch basins are in use and well maintained.
- This facility's waste system consist of 2 lagoons and a catch basin located on the west side of the milk barn. All surrounding fields ^{land} that border Sage Dairy and its waste system, is owned & operated by a 3rd party.

ITEM/DESCRIPTION

1. WASTE SYSTEM

a. Waste Containment

Type

Earthen

Freeboard

b. Corral/Facility Containment

☐ In-Corral ☐ Pond

c. Separation System

d. Construction Approved

e. Adequate Liquid Storage

f. Land Application Appropriately Managed

g. Evidence of Past Discharge

h. Animals Confined From Waterways

2. NUTRIENT MANAGEMENT

Certified Planner Name/#

a. Animal Numbers Current with NMP

b. Additional Water Usage/Water Management

c. Additional Corrals/Housing Area/Commodity

d. Additional Waste Containment needed

e. Field Changes/Added/Subtracted/Combined/Divided/Renamed

f. Type of Crops, Crop Rotation and Crop Yield is current in Plan

g. Change in Resource Concern

h. Additional/Change in 3rd Party Export

3. RECORD KEEPING CURRENT

Certified Soil Sampler Name/#

a. Soil Sampling Records, Depth, Results

b. Types of Crops, Crop Rotation and Crop Yields

c. 3rd Party Receiver, Address, Date, Amount and Type of Manure Transferred

d. Application Area

e. Additional Records

INSPECTOR SIGNATURE

PRODUCER SIGNATURE

Not Available

LIVESTOCK WASTE INSPECTION REPORT

FACILITY NAME/OWNER/ADDRESS/CITY

Sage Dairy
5888 Sandy Ave
Emmett

DATE: 1-23-14

TIME: 1:30PM

OF ANIMALS: (b) (4)

Fresh & Dry:

Replacements

Beef:

Poultry:

Other:

INSPECTION TYPE:

☒ ROUTINE

☐ FOLLOW-UP

☐ PRE-QUALIFYING

☐ QUALIFYING

☐ COMPLAINT

☐ NMP REVIEW

☐ OTHER

REPEAT NON-COMPLIANCE

DISCHARGE INSPECTION

UPDATE NMP

TIME FRAME:

PLANT / PERMIT #:

SI-271

Remarks:

Lagoons #1 & 2 have approx. 4ft of
freeboard
All weeds have been removed from
lagoon edges.
Scrape pit is in good condition.

ITEM/DESCRIPTION

1. WASTE SYSTEM

a. Waste Containment

Type

Freeboard

b. Corral/Facility Containment

☐ In-Corral ☐ Pond

c. Separation System

d. Construction Approved

e. Adequate Liquid Storage

f. Land Application Appropriately
Managed

g. Evidence of Past Discharge

h. Animals Confined From Waterways

2. NUTRIENT MANAGEMENT

Certified Planner Name/#

a. Animal Numbers Current with NMP

b. Additional Water Usage/Water
Management

c. Additional Corrals/Housing
Area/Commodity

d. Additional Waste Containment needed

e. Field Changes/Added/Subtracted/
Combined/Divided/Renamed

f. Type of Crops, Crop Rotation and Crop
Yield is current in Plan

g. Change in Resource Concern

h. Additional/Change in 3rd Party Export

3. RECORD KEEPING CURRENT

Certified Soil Sampler Name/#

a. Soil Sampling Records, Depth, Results

b. Types of Crops, Crop Rotation and
Crop Yields

c. 3rd Party Receiver, Address, Date,
Amount and Type of Manure
Transferred

d. Application Area

e. Additional Records

INSPECTOR SIGNATURE

[Signature]

PRODUCER SIGNATURE

LIVESTOCK WASTE INSPECTION REPORT

FACILITY NAME/OWNER/ADDRESS/CITY

Sage Dairy
5888 Sandy Ave
Emmett

DATE: 4-22-14

TIME: 11:00 am

OF ANIMALS:

Fresh & Dry: (b) (4)

Replacements:

Beef:

Poultry:

Other:

INSPECTION TYPE:

☒ ROUTINE

☐ FOLLOW-UP

☐ PRE-QUALIFYING

☐ QUALIFYING

☐ COMPLAINT

☐ NMP REVIEW

☐ OTHER

REPEAT NON-COMPLIANCE

DISCHARGE INSPECTION

UPDATE NMP

TIME FRAME:

PLANT / PERMIT #:

SL-271

Remarks:

Lagoons 1&2 have approx. 2ft of freeboard.

Slurry storage area has been bermed to prevent any runoff.

Compost yard is in the process of being bermed, but does have adequate protection at this time.

ITEM/DESCRIPTION

1. WASTE SYSTEM

a. Waste Containment

Type

Freeboard

b. Corral/Facility Containment

☐ In-Corral ☐ Pond

c. Separation System

d. Construction Approved

e. Adequate Liquid Storage

f. Land Application Appropriately Managed

g. Evidence of Past Discharge

h. Animals Confined From Waterways

2. NUTRIENT MANAGEMENT

Certified Planner Name/#

a. Animal Numbers Current with NMP

b. Additional Water Usage/Water Management

c. Additional Corrals/Housing Area/Commodity

d. Additional Waste Containment needed

e. Field Changes/Added/Subtracted/ Combined/Divided/Renamed

f. Type of Crops, Crop Rotation and Crop Yield is current in Plan

g. Change in Resource Concern

h. Additional/Change in 3rd Party Export

3. RECORD KEEPING CURRENT

Certified Soil Sampler Name/#

a. Soil Sampling Records, Depth, Results

b. Types of Crops, Crop Rotation and Crop Yields

c. 3rd Party Receiver, Address, Date, Amount and Type of Manure Transferred

d. Application Area

e. Additional Records

INSPECTOR SIGNATURE

PRODUCER SIGNATURE